

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 08-58(CH)

June 4, 2008

TO: All Regional Directors, Officers-in-Charge
and Resident Officers

FROM: Richard A. Siegel, Associate General Counsel

SUBJECT: Revisions to Unfair Labor Practice Casehandling Manual

The following sections have been revised in the Unfair Labor Practice Casehandling Manual¹:

- (1) Introduction
- (2) Sections 10051, 10330, 10331, 10334, 10380, 10410 and 10438.3 – adds reference to, and discussion of, reports of the Quality Committee regarding guidance for high quality investigation and litigation
- (3) Section 10054.2(d) – new subsection regarding investigating supervisory status
- (4) Section 10054.7 – new subsection regarding HIPAA's Privacy Rule Disclosure Procedures for Medical Information
- (5) Section 10118.4 – new subsection on administrative deferral in collection cases
- (6) Sections 10124.3 and 10266.5 (new) – includes reference to seeking more effective remedies in appropriate cases
- (7) Sections 10131.5 and 10134.5 – new subsections relating to decertification petitions and settlement agreements
- (8) Sections 10242, 10310.3(b), 10320 and 11863 (new) – discusses need to institute litigation hold in appropriate situations
- (9) Section 10256.5 – new subsection discussing the Division of Judges' e-Room
- (10) Section 10264.2 – discusses need for complaint allegations to sufficiently set forth separate and alternative theories of a violation
- (11) Sections 10264.5 and 11752 – clarifies the circumstances when clearance must be sought before naming an attorney in a complaint
- (12) Section 10266.6 – new subsection discussing compound interest on monetary remedies
- (13) Section 10266.7 – new subsection discussing consolidating compliance and unfair labor practice proceedings

¹ These revisions are the efforts of RD Richard Ahearn, Region 19; RD Rik Lineback, Region 25 and ARD Michael Joyce, Region 6; and AGC Nelson Levin, Operations-Management.

- (14) Section 10281 – new section discussing consolidating compliance issues with motions for default judgment
- (15) Section 10407.6 – discusses litigation of the suitability of reinstatement as set forth in OM Memorandum 07-57
- (16) Section 11750.1 – discusses GC Memorandum 07-11 regarding submissions to the Division of Advice
- (17) Sections 11850, 11860 and 11862 (new) – discusses storage and naming convention protocols and E-Discovery
- (18) Updated Table of Contents, Index and Table of Cases

Several page breaks have also been inserted in the manual to facilitate reprinting future revisions. The above revisions are available on the Agency's website (www.nlr.gov) as well as on the Agency's intranet for viewing and, if a hard copy of the revisions is preferred, for printing.

If you have any questions regarding this memorandum, please contact your AGC or Deputy or the undersigned.

/s/
R.A.S.

cc: NLRBU

Release to the Public

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